



1108-05
PART B - FEE(S) TRANSMITTAL

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24267 7590 10/12/2005

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

11/09/2005 MAHMED2 00000063 10086657

01 FC:1501 1400.00 OP

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Stephanie Mannino

(Depositor's name)

Stephanie Mannino

(Signature)

November 7, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,657	02/28/2002	John A. Scott	112056-0035	2276

TITLE OF INVENTION: SYSTEM AND METHOD FOR CLUSTERED FAILOVER WITHOUT NETWORK SUPPORT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	01/12/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
CONTINO, PAUL F	2114	714-004000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Cesari and McKenna, LLP**
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Network Appliance, Inc.

Sunnyvale, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number **03-1237** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature *A. Sidney Johnston*

Date **November 7, 2005**

Typed or printed name **A. Sidney Johnston**

Registration No. **29,548**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENTS
112056-0035
P01-1311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
John A. Scott)
)
Serial No.: 10/086,657) Examiner: Contino, Paul F.
)
Filed: February 28, 2002) Art Unit: 2114
)
For: SYSTEM AND METHOD FOR)
CLUSTERED FAILOVER WITH-)
OUT NETWORK SUPPORT)
)
Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
November 7, 2005

EXPRESS-MAIL DEPOSIT

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The following papers are being deposited with the United States Postal Service
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 Issue Fee Transmittal Letter Return Request Postcard



PATENTS
112056-0035
P01-1311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
John A. Scott)
Serial No.: 10/086,657) Confirmation No.: 2276
Filed: February 28, 2002) Examiner: Contino, Paul F.
For: SYSTEM AND METHOD FOR)
CLUSTERED FAILOVER WITH-) Art Unit: 2114
OUT NETWORK SUPPORT)
Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
November 7, 2005

"Express Mail" Mailing-Label Number: EV 336701140 US

Mail Stop Issue Fee
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ISSUE-FEE TRANSMITTAL

In response to the Notice of Allowance and Issue Fee Due mailed October 12, 2005, for the above-identified application, enclosed are the following documents:

- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1400 to cover the issue fee.

PATENTS
112056-0035
P01-1311

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,



A. Sidney Johnston
Reg. No. 29,548
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Boston, MA 02210-2414
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